

**Resolution #TC-3033**

Approval of Resolution for the Abandonment of a portion of State Highway 67 from MM 50.72-52.34 to the City of Cripple Creek

**Approved by the Transportation Commission on: December 20, 2012**

Project Code: M 275-005  
Location: SH67 MM 50.72-52.34  
Municipality: City of Cripple Creek

WHEREAS, The Department of Transportation owns 1.62 linear miles of Highway in Cripple Creek, Colorado identified as State Highway 67 (SH 67);

WHEREAS, that portion of SH 67 is located between, Mile Marker (MM) 50.72 and 52.34; and

WHEREAS, Region 2 has determined that abandoning this portion of SH 67 would be in the best interest of Colorado taxpayers; and

WHEREAS, the Colorado Revised Statutes 43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality; and

WHEREAS, the City of Cripple Creek proposed to take ownership of SH 67 from MM 50.72 to 52.34, in exchange for a payment of \$2,600,000 from CDOT; and

WHEREAS, \$2,600,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 67 over the next 20 years; and

WHEREAS, the abandonment of the above referenced section of SH 67 will be funded with \$1,350,000 of Gaming Corridor Funds and \$1,250,000 of Region 2 Faster Safety Funds; and

WHEREAS, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures; and

WHEREAS, the CDOT and the City of Cripple Creek desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the

abandonment of said highway segment by the State and acceptance by the City of Cripple Creek pursuant to the terms and conditions of the IGA; and

WHEREAS, the governing body of the City of Cripple Creek has adopted a resolution (2012-07) agreeing to the State's abandonment of the portion of SH 67; committing the City of Cripple Creek to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the date of CDOT's Transportation Commission Resolution formalizing the abandonment of the above referenced portion of SH 67, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert to CDOT;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$2,600,000 to the City of Cripple Creek, and that shall constitute the total consideration from the State to the City of Cripple Creek related to the abandonment and transfer of the abandoned highway;

WHEREAS, the Chief Engineer, the Department of Transportation, and the Executive Director are authorized pursuant to Colorado Revised Statutes (C.R.S) 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission concurs with the Chief Engineer that SH 67 between mile markers 50.72 and 52.34 is no longer needed for the State Highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, Sections 43-1-106, 43-1-110, 43-1-114, 43-202.7, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, the Department of Transportation be given authority to declare that portion of SH 67 between mile markers 50.72 and 52.34 abandoned.

Herman F. Stockinger III  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

12-27-12  
Date